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68TH CONGRESS }
2d Session }

SENATE

} REPORT
} No. 1064

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS, AND CONSERVING THE NAVIGABILITY OF NAVIGABLE RIVERS

FEBRUARY 3 (calendar day, FEBRUARY 10), 1925.—Ordered to be printed

Mr. KEYES, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 3663]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 3663) to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911, having considered the same, report favorably thereon, with the recommendation that the bill do pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911, be, and the same is hereby, amended by adding the following proviso thereto:

"*Provided further*, That with the approval of the National Forest Reservation Commission as provided by sections 6 and 7 of this act, and when the public interests will be benefited thereby, the Secretary of Agriculture be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under this act which, in his opinion, are chiefly valuable for the purposes of this act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *And provided further*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be

given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subject to all the provisions of this act."

There is printed herewith a letter from the Secretary of Agriculture expressing the department's opinion on the bill:

DECEMBER 26, 1924.

HON. G. W. NORRIS,

*Chairman Committee on Agriculture and Forestry,
United States Senate.*

DEAR SENATOR NORRIS: Reference is made to the request of December 15 made by the clerk of your committee for a report upon the bill (S. 3663) "To amend section 7 of an act entitled 'An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers,' approved March 1, 1911."

The enactment of this proposed legislation would authorize the Secretary of Agriculture, when public interests would be benefited, to accept title to any lands which, in his opinion, are chiefly valuable for national forest purposes, and found within or adjacent to the exterior boundaries of national forests made up of lands acquired under the Weeks law of March 1, 1911. In exchange for such conveyed lands the Secretary would be authorized to grant not to exceed an equal value of national forest lands or national forest timber within the same State, the values in each case to be determined by the Secretary, and the timber given in such exchanges shall be cut and removed under the laws and regulations relating to national forests. Upon acceptance of title the conveyed lands shall become subject to all provisions of the said act of March 1, 1911.

In its general features this measure is quite similar to the forest exchange act of March 20, 1922 (42 Stat. 465), which authorizes exchanges within the exterior boundaries of national forests created from the public domain. The Attorney General, in an opinion of March 21, 1924, advised that the general exchange act of March 20, 1922, was not applicable to lands acquired under the Weeks law. The same reasons which make it desirable to exchange lands within the former public domain forests are equally applicable to lands acquired under the Weeks law. The department, therefore, would be glad to see favorable action taken on this proposed legislation.

Sincerely yours,

HOWARD M. GORE, *Secretary.*

This legislation is recommended by the National Forest Reservation Commission, created under the Weeks Act, to purchase lands in the Appalachian and White Mountains for the protection of watersheds of navigable streams. In the course of purchases by the commission tracts of lands are obtained which are commingled with lands privately owned or checker boarded with lands in private ownership. Occasionally some private owner proposes an exchange of land with the Government in order to block up his own holdings and also to enable the Government to consolidate its holdings.

The bill reported herewith does for the Appalachian and White Mountain regions the same thing as is now authorized by law in the western territory. On March 20, 1922, there was enacted a law authorizing the exchange of forest lands from the public domain for privately owned lands within the exterior boundaries of the national forests. The bill reported herewith is similar to the law enacted March 20, 1922, except that it applies to the forest lands acquired under the Weeks Act instead of forests lands of the public domain and also makes such exchanges subject to approval by the National Forest Reservation Commission.

The provisions requiring the advertising of such proposed exchanges are similar to the provisions contained in the law authorizing the exchange of forest lands of the public domain.

The bill permits the exchange of land, or lands may be paid for in timber from the national forests. In a large number of cases the Government has accepted land and paid for it in timber. The Department of Agriculture appraises the land and the timber. Frequently privately owned lands are checkerboarded with Government lands, and, in order to operate on such checkerboarded lands, additional railroad and hauling facilities are required, which frequently results in the owners of private lands making concessions to the Government in order to block up their holdings. The exchanging of these lands also brings railroads into the forest, which increases the value of Government stumpage from \$1.25 to \$3 a thousand.

The Weeks Act forests are at present in 19 States, scattered throughout the White Mountains and the southern Appalachian, extending into Arkansas and Alabama. The Government so far has purchased about 2,350,000 acres. By reason of their peculiar surveys, going back in some instances to colonial times, the lands acquired by the Government are very irregular in shape and in many cases contain small areas chiefly adapted to farming, while privately owned lands adjoining these areas are frequently chiefly adapted to timber production. The enactment of this bill will permit such exchange. Before any land is acquired under the Weeks Act it is investigated both by the Forest Service and the Geological Survey. Inasmuch as the proposed bill makes the exchanges subject to the approval of the commission, it is thought by the committee that it is fully safeguarded.

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